Scott. II-37—45,000—9-11-3

Dev (1935) Department.

Ms SERIES.

G.O. No. 1794

DATED 19.12.1935

[Despatch Abstract.]

Forests -

Memorial - M. Krishnappa - Forest guard - Mangalore North Division - Rejected.

Law Department

C. No. 3315 1933

List of records put up.

Number.	Date.	Department.	Signature of person putting up records.
731	4 & 26	Police	C
540	15 & 28	"	Copy
436	12 & 25	"	SC

19.

To

His Excellency the Governor in Council,
Fort Saint George,
M a d r a s.

Through

The Chief Conservator of Forests,
Chepauk, Madras.

The Conservator of Forests,
Ooty Circle,
Ooty.

The District Forest Officer,
Mangalore North.

and

The Range Officer,
Coondapoor.

Humble memorial of M.Krishnappa, at present working as Forest Guard, First Grade; Nagankalbare Beat, Coondapoor Range, Mangalore North Division.

Dated 12th May 1935.

Most Respectfully Sheweth,

That being highly aggrieved by the --- order L: Dis. 1737/35 dated the 2nd April 1935 of T.A.Whitehead Esquire, I.F.S., Chief Conservator of Forests, Madras, dismissing the ----- memorial dated the 4th February 1935 filed by the memorialist against the order L.Dis.No.

M. 1747/34, dated the 8th November 1934 of the very same T.A. Whitehead Esquire, I.F.S., the then Conservator of Forests, Ootacamund Circle, Ootacamund, rejecting his appeal against the District Forest Officer's orders D.Dis.1793/F/1932, dated the 29th November 1933 reducing him as Forest Guard, First Grade for a period of one year's active service, the memorialist humbly begs leave to submit this memorial for favour of kind consideration and adequate redress.

2. That T.A.Whitehead Esquire, I.F.S., the Chief Conservator of Forests, Madras, who has rejected the memorial dated the 4th February 1935 is the very same officer who rejected the memorialist's appeal on 8th November 1934 when he was the Conservator of Forests, Ootacamund Circle against the order of the District Forest Officer, Mangalore North Division. As such he ought not to have dealt with the said memorial himself -- but ought to have referred the case to the ---- authority next above him for disposal.' 'Hence the order of the Chief Conservator of Forests is ultra vires and unsustainable, please vide G.O.No.2272 Revenue, dated the 15th September 1920 - Boards Standing Order 172.

3. That the memorialist humbly begs to submit that, having passed his S.S.L.C.Examination he was directly recruited as a Forester on probation in 1924 and was confirmed in that post in 1926. He was entrusted with various kinds

from 27-7-1932 to 29-11-1933 for a period of -- nearly 16 months.

7: That the memorialist begs to humbly submit that it is unfortunate that even in the disposal of the appeal there has been a delay of nearly nine months - the appeal was filed on --- 20-2-1934 and orders were passed on 8-11-1934 and the same were received by the memorialist only on 12-12-1934.

pp. 139 & 147 of (E)

8: That it will thus be seen that even -- from the very commencement up to the date of the receipt of the orders on his appeal, the memorialist has been a victim of great anxiety and worry and has been greatly prejudiced by the unusual and unprecedented delay in the disposal of this unfortunate case.

9. That the memorialist next begs leave to humbly point out that in spite of the prolonged delay, he was not given reasonable facilities -- for properly defending himself through an advocate against the complicated and multifarious -- charges framed against him; though Government Order No. 540, Miscellaneous publication dated 15th June 1928 makes a provision for allowing an advocate to appear and plead on behalf of an accused official. A kind perusal of the correspondence between the memorialist and the District Forest Officer on the subject will clearly show that the memorialist's case was eminently a fit one for allowing an advocate to appear and -

compat (L)

pp 451, 463-64, 465-66, 471-75 and 479 of (K)

plead on his behalf during the enquiry.

10. That there were about 35 items of ---- charges against the memorialist in the charge sheet; and the said charges were too many and too complicated for him to cope with single -- handed; and the memorialist was greatly prejudiced in making his defence, as he was not allow -ed to have the services of an advocate to help him in the enquiry. It was therefore impossible for the memorialist to properly cross-examine -- the Range Officer who was his immediate superior officer; and he was naturally very nervous and - confused in mind to conduct his own case, and sum up the charges and make an oral hearing be- fore the District Forest Officer.

11. That the memorialist had respectfully prayed in paragraph 32 of his appeal dated 20th February 1934 filed before the Conservator of Forests that pending final disposal of the appeal, the memorialist might be granted permission to be heard through an advocate, or personally, at the Conservator's camp in South Kanara, but even in this, the memorialist was unfortunate, and the - appeal was disposed of, without giving an oppor- tunity to the memorialist to be heard, either -- through an advocate or personally, though the Conservator was camping in South Kanara at the time of passing orders on the appeal.

12. That though the memorialist submitted his appeal dealing with all the aspects of the -

case, in great detail, covering 62 typed pages, containing 33 paragraphs, it is unfortunate that the order on his appeal contains only four words -- "The appeal is rejected" without giving any reasons for the same. The memorial submitted by the memorialist on 4th February 1935 also has been disposed of merely with the remark "The Chief Conservator sees no reason to interfere". This may be natural since orders on both the appeal and the memorials were passed by the very same person in different capacities. The memorialist is, therefore, quite unable to make out exactly on what points he has to meet the said orders in submitting this memorial against the said order. The memorialist, therefore, prays that the said appeal petition filed by the memorialist on 20th February 1934 may be kindly called for and perused as part of this memorial, so that it may not be necessary for the memorialist to repeat all that is stated in his appeal against the charges on which he was found guilty and punished by the District Forest Officer.

13. That the charges framed against the memorialist consisted of 35 items in all under four separate heads, but the District Forest Officer during his enquiry, withdrew 18 items, and found the memorialist guilty in respect of the remaining 17 items only, viz., items Nos.1 to 11, and 14 under charge No. I, item No. 3 under charge No. II, item No. 1 under charge No. III and items Nos. 1, 2 and 11 under charge No. IV.

14. That out of the above-said 17 items, 10 items were said to have been noticed by the Range Officer when the memorialist was working in the Range, and the remaining 7 items were said to have been noticed by the Range Officer only after the memorialist left the Range on transfer on 1-7-1932; but none of these 17 items was brought to the notice of the memorialist; nor was the memorialist called upon to offer any explanation, nor was he warned in respect of any of them, in his presence at any time. The memorialist became aware of these for the first time only after he received the chargesheet in November 1932. It will thus be seen that the charges were allowed to accumulate for a very long time and the memorialist was not rectified then and there.

15. That the memorialist begs leave to refer briefly to the several items of charges framed against him.

Col. 2 on p. 3839 (K) (1) Item No. 1 under charge No. I refers to the memorialist's failure to detect cases --- and to his merely transmitting the undetected --- reports from the Forest Guards to the Range ---- Office. The memorialist begs to submit that during his stay at Byndoor as Forester from --- 4-6-1930 to 1-7-1932, he detected 59 cases as against 7 cases detected by his predecessor --- during the three previous years; and that in Kursegudde and Shirur Beats alone the memorialist detected 7 cases as against nil by his predecessors.

The memorialist had also inspected the cuttings of undetected cases reported by Forest Guards. All this is borne out by the memorialist's ---- diaries and his inspection notes on the reports of the Forest Guards and also by the evidence of the four Forest Guards who were examined on behalf of the memorialist in the enquiry held by the District Forest Officer in this case. The District Forest Officer has erred in remarking that the memorialist has shown negligence in --- failing to detect some at least of the extensive illicit fellings in Kursegudde, Savantagudde and Sarpanamane Reserved Forests - because the memorialist detected two cases in Kursegudde, one in Savantagudde and four in Sarpanamane during his stay in Byndoor.'' The District Forest Officer has further erred in remarking that between October 1931 to May 1932 the memorialist detected no offences in Kursegudde and no offences from November 1931 to May 1932 in Savantagudde and Sarpanamane because during the said period the memorialist detected two cases in Kursegudde, one case in Savantagudde and one case in Sarpanamane. The District Forest Officer has also erred in remarking that in several cases the reports of the Forest Guards had to be returned to the memorialist for his inspection of the fellings - because as a matter of fact, there is not a single instance in which such reports had been returned to him at any time for such inspections. The Range Officer at no time found fault with the memorialist in respect of the same. Even the Range Officer's

2m (G) — Exs. 541-554 9(K) — Sub para 2 under item 1 on p. 9 Cf — Sub para 1 --do-- — 2 Sub para 3 --do--

memorialist duly submitted his explanation on -- 17-11-1931. The Range Officer who had inspected the work while in progress, had raised no -- objection at the time or even while adjusting the voucher of the said fence work.

(b) Regarding the weeding of those areas, the memorialist was now and then supervising the said work also and getting the defects rectified then and there. The Range Officer who had inspected the work, found no fault with the memorialist.

(c) Regarding the replacement of ---- failures in those areas during May and June 1932, the memorialist had to allow the work to be done under the supervision of three Forest Guards well experienced in the work, as the memorialist was busy marking catechu trees in catechu coupe I of B. Series from 15-5-1932 to 16-6-1932, counting casualties in several catechu sown areas, and concentrated his attention towards the breach of Forest laws by the Congress Volunteers at the -- time. The memorialist, however, was occasionally inspecting the work and criticising the same and getting the defects rectified, as will be evident from the memorialist's remarks on the diaries of the Forest Guards for the week ending --- 4-6-1932. Though the Range Officer inspected the work on 16-6-1932, he did not in any way --- find fault with the memorialist in respect of the said work, but found fault with him for not rectifying the defects made by the Guards in --

not inspect the said repairs soon after its completion, but only after the close of the monsoon, when the repairs had already borne the brunt of the heavy monsoon, and some cadjan leaves were stealthily removed by some neighbourers, when the sheds were vacant all along. The repairs were completed by the end of May, but the Range Officer failed to inspect the same on 7-6-1931, when he inspected the Kadike Reserve close by. He inspected the same on 20-8-1931 after the close of the monsoon. An inspection at the end of May or on 7-6-1931 would have convinced him that the monsoon repairs were quite in order. The local monsoon is particularly heavy till the end of July, and there is nothing to be wondered if the repairs are found to have been worn out and spoiled on 20-8-1931. The memorialist humbly begs to refer to the answers of the Range Officer during the oral enquiry in this connection, which will be found to be vague, inaccurate and indifferent (Vide answers Nos. 123, 124, 126, 141, 142, 146, 147 and 149).

pp. 512-516 Q (K)

Rev. pp 305-307 Q (K)

(4) Item No. 4 under charge No. I refers to the failure of the memorialist to bring the fire in 36 acres catechu regeneration to the notice of the Range Officer. The said fire was on 6-5-1932 when the memorialist was busy from 5-5-1932 to 8-5-1932 at Golihole, in connection with the extinguishing of the fire in Hulimishebare Reserved Forest and when he returned to Byndoor on 8-5-1932, Forest Guard Sheik Yusoof gave him the fire report, and the -----

survey stones, thereby omitting two catechu --- trees of exploitable size in Strip No. 3 of --- Catechu Coupe I of B. Series. The memorialist was ordered to cut the eastern boundary of B. Series of Catechu Coupe I, and mark the exploitable trees within the line. The said eastern -- boundary forms also the eastern boundary of --- Yedthore village. The memorialist with the help of the village karnam fixed the boundary, and -- cut the same, and began marking the catechu trees on 15-5-1932. When the Range Officer came on 22-5-1932, the memorialist pointed out the line cut, as pointed out by the Karnam. The Range Officer however diverted the memorialist to cut the line with prismatic compass, and after sending for the village map, instructed the memorialist how to cut the fresh line with prismatic compass, which the memorialist did. On 25-5-1932 the Range Officer again inspected the work, and on 17-6-1932 inspected the trees marked by the memorialist, and it is significant that he not only did not find fault with the cutting of the line, but found 148 trees marked by the memorialist to be correct, and remarked that there were no - more trees to be marked in the said strip. This fact is supported by the Range Officer's diaries for the weeks ending 28-5-1932 and 18-6-1932. The Range Officer however seems to have again inspected the same on 10-7-1932, 10 days after the memorialist was transferred, and seems to have ---- detected the crooked line, and got the correct line cut and the two trees marked. It is strange

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Officer's answers during oral enquiry in this connection are also vague and inaccurate (Vide answers Nos. 180 to 182).

p. 520 7 (K)

p. 307 9 (K)

.... (7) Item No. 7 under charge No. I refers to failure to mark the trees consecutively, finishing one strip before starting the next. The memorialist begs to refer to what has been stated in item No. 5 supra, and in continuation thereof he begs to state that he began to mark the trees in stripes 1 and 2, after cutting the line under instructions from the karnam, and he was working in strip No. 3 when the Range Officer visited the locality on 22-5-1932, and got the fresh line cut with the help of the prismatic compass. The result was that there was an intervening space in stripes 1 and 2 between two lines referred to above, and the memorialist had to return to the said intervening space, and mark the trees standing thereon, giving them numbers subsequent to those marked by him in the other strip. The measurement of the said intervening space was not taken by the Range Officer at any time. The Range Officer seems to have detected this on 11-7-1932, 10 days after the memorialist left the Range on transfer, and no explanation was called for from the memorialist, until after the charge sheet was framed. These facts are admitted by the Range Officer, but no satisfactory answers are given by him during the oral enquiry, regarding the extent of the intervening space (Vide answer No. 166 dated 20-11-1933 and answer No. 22 dated 21-11-1933).

pp 43-47 Cf

PP 518 & 1540 9 (K)

that in his diary regarding this said inspection there is not a word to show that he got two --- exploitable trees marked in the said strip No.3. It is not known how and when the Range Officer happened to detect the two exploitable trees and got them marked. It is only in the charge sheet for the first time that the memorialist became aware of the alleged detection and marking on -- the part of the Range Officer. The answers of the Range Officer during the oral enquiry in --- this connection are very vague and inaccurate (Vide Answers Nos: 159, 160, 162, 163, 168 and 172).

p. 518 q (K)

(6) Item No. 6 under charge No. I refers to the marking of 11 trees in strip No.IV falling within the kumki limits. The warg land being most irregular shaped, only a trained surveyor that can correctly demarcate the kumki --- limit and this difficulty was explained at the time. The memorialist had marked 460 trees, out of which only 11 were found by the Range Officer to be within kumki limits. The Range Officer also had no survey instruments, nor a village map, nor even a cross staff for checking the kumki -- limits and the measurements. Some of the said 11 trees were found just outside the line measured by the Range Officer, and this fact is borne out by the statement of Forest Guard B. Havali during oral enquiry (Vide his answers Nos. 14 and 15). It is to be noted that the memorialist was not found fault with nor was his explanation called for at the time in this respect. The Range --

Chi. 2nd p 307 q (K)

P. 546 q (K)

(8) Item No. 8 under charge No. I refers to failure to properly check the work of trimming by the contractor in Karnigudde Fuel Coupe I. The memorialist never failed to check the contractor's work regarding the bad trimmings and coppicing. This will be clear from the --- documentary evidence in the case. The memorialist, noticing the defects, sent in his report No. 78 on 17-8-1931 and asked the contractor to get the same rectified. Seeing that the contractor failed to rectify, the memorialist reported the matter -- No. 21 dated 17-9-1931 to the Range Officer. Subsequently also, the memorialist continued to report the defects of the contractor in his weekly diaries for weeks ending 22-8-1931, 29-8-1931, 12-9-1931, 19-9-1931, 10-10-1931, 12-12-1931, 23-1-1932, 5-3-1932, 12-3-1932 and 9-4-1932, as well as in his remarks on Karnigudde Beat Guard's diaries for --- weeks ending 15-8-1931, 22-8-1931, 29-8-1931, 5-9-1931, 19-9-1931 and 22-2-1932. The memorialist could not get the works stopped as it was ordered by Mr. Matthew, the then District Forest Officer in the memorialist's diary that the work of the coupe should on no account be -- stopped. It is significant to note that the contractor did not care to heed the warnings -- either of the memorialist or of the Range Officer himself. The Range Officer's report No. 803, dated 2-5-1932 to the District Forest Officer -- clearly shows that the contractor was going on with the work in his own way in spite of inspection

the Range Officer visited the locality on three occasions -- 22-5-1932; 25-5-1932 and 17-6-1932 when the memorialist was in the Range, the Range Officer did not find fault with him in any way in respect thereof, but reported about it only after the memorialist left the Range on transfer, and the memorialist came to know about this item for the first time only on receipt of the charge sheet.

Ch. 2 on p. 31 of (K)

(11) Item No. 11 under charge No. 1 refers to the failure to reply to the Range Officer's remarks for reporting the number of days each of the Guard's work in 33 and 36 acre ---- catechu sown area. As a matter of fact, the memorialist was never asked at any time to report on the said point. It is only in Forest Guard Marlu's diary for week ending 4-7-1931 that the Range Officer asked the Guard on 15-7-1931 to report the number of days he worked in Shirur and Byndoor Beats from 1-4-1931 to 4-7-1931, and also to give the particulars of the said work. In the said diary the Range Officer asked the memorialist to explain what sort of work the said Guard was entrusted with at Byndoor every week, and whether the work done by the said Guard could not be done by a cooly. There is no reference therein regarding the number of days each of the Guard's work in 33 and 36 acres of catechu sown area, as stated in the charge sheet. The said Guard reported on 25-10-1931 that he worked at Byndoor for 37 days from ----

p. 113 of (K)

do

3-5-1931 to 6-7-1931 doing line cutting and --- sowing work, and also attending to the catechu marking. The memorialist resubmitted the said diary on 29-10-1931 stating that, as the catechu marking and catechu regeneration work was going on side by side, the services of the said Guard were required to supervise the work of the coolies in sown areas for some days, and for catechu --- marking also for some days. The Range Officer's replies in respect of this item during oral enquiry are inaccurate (Vide answers Nos. 211, 212, 214, 216 to 218). The District Forest Officer's remark that the memorialist kept the diary of the Forest Guard Marlu with him from 15-7-1931 to 28-10-1931 without forwarding to the Forest Guard for reply, is not at all correct. "There is --- nothing to show that the memorialist kept it --- without forwarding it to the Forest Guard.

(12) Item 14 under charge No. I refers to furnishing wrong figures regarding the work of Guards. The memorialist was asked in Shirur Beat Guard's report No. 40, dated 30-8-1931 to report whether all the blanks were filled up --- with stumps in the old catechu regeneration --- areas of Byndoor Reserve. The memorialist resubmitted the same with the information gathered from the weekly diaries and reports of the concerned Guards, regarding the extent of the area filled up, as he had no personal knowledge of the actual measurements. When, however, the Range

p 624 q (K)

Officer on 11-10-1931 orally questioned the memorialist regarding Forest Guard Anantha Nambiar's work, the memorialist roughly stated from memory without refering to any records that it must be about five acres. The Range Officer, however, without measuring it, estimated it roughly at two acres. As the said work was being done by five Forest Guards free of cost, it was not --- possible for the memorialist to personally ---- measure the work done by each Guard, or keep in his memory details regarding the extent of the work done by each Guard, and furnish the said -- information off-hand orally to the Range Officer, without reference to the records, long after the submission of the said reports. The Range ---- Officer's replies during oral enquiry in respect of this item are vague and inaccurate (Vide answers Nos. 219 to 224).

p. 528 q (K)

(13) The only item under charge No: II, viz.; item No: 3 refers to failure to cut the strip line between strips 1 and 2 of Byndoor --- series unreserves catechu coupe I in Shirur. This item is exactly the same as item No. 10 under -- charge No. I referred to above. The Forest --- Guard B. Havali has proved during the oral enquiry that the said strip line was got cut and cairns erected to demarcate the line (Vide his answers Nos. 17 and 18). The three inspections of the said locality of the Range Officer did not disclose any such defect which seems to have been detected some days after the memorialist --

Colu. 2 on p 313 q (K)

Pp 53-55 Cf.

p. 546 q (K)

left the Range on transfer.

Cf. Ch. 2 on p. 315 ¶ (K)

(14) The only item under charge No. III viz.; item No. I refers to insubordination to the Range Officer in the memorialist's stating that the District Forest Officer's personal -- instructions are more precious than Range Officer's order in writing. The memorialist humbly begs to point out that in his poor opinion, he is still under the impression that he is correct -- in stating that a subordinate like himself is -- bound to obey the District Forest Officer's ---- orders as against the Range Officer's orders, so far as the latter are inconsistent with and contradictory to those of the former. The entire correspondence in this connection between the memorialist and the Range Officer will clearly show that the memorialist had absolutely no intention to be insubordinate to the Range Officer. The memorialist preferred to obey the District Forest Officer's orders as against the Range -- Officer's orders, as otherwise he would have -- been found fault with by both the officers, if he had disobeyed the District Forest Officer's orders. The Range Officer's replies during the oral enquiry are as usual, quite vague and inaccurate (Vide answers Nos. 232, 234 to 238).

Pp 37-40 Cf. ¶ (K)

PP 530-532 ¶ (K)

(15) Item No. I under charge No. IV refers to failure to impound the cattle and submit the offence report. The memorialist --

Ch. 2 on p 317 ¶ (K)

pp 95-97 cf. 7(K) has duly furnished his explanation regarding the failure to impound the cattle. As the cattle -- owners purchased the necessary permits, the memorialist released the cattle, and briefly noted the work done by him in his diary - the full --- particulars to be noted in the offence report. The failure to submit an offence report in this connection was due to the practice and procedure that has been prevailing all along and which had been followed by him in various cases in Coondapoor Range. The memorialist has in detail given

pp 337-339 7(K) reasons in his explanation dated 19-12-1932 to the charge framed against him, and referred to

para 23 on pp 101-105 7(E) the same in his appeal memo dated 20-2-1934. The memorialist begs leave to refer to the documentary evidence regarding the said custom, practice and procedure.

not put up. (1) The Madras High Court in 15 Indian Law Reports page 156 (1892) has held that there is no offence against the owners for stray cattle.

(2) No offence report was necessary in respect of cattle not impounded.

(3) The practice and procedure is based on the following precedents:-

(a) On 15-10-1931, during the inspection of Kursegudde Reserved Forest, the Range Officer Coondapoor found three heads of cattle in excess, and permits were issued for these cattle, and -- they were let off without any offence report

at Flag (H) (Vide Coondapoor Range Officer's diary week ending 17-10-1931).

(b) On 20-7-1931, the Range Officer, Coondapoor noticed 15 heads of cattle without -- permits in Sarpanamane Reserved Forest, and 22 heads of cattle in Savanthagudde Reserved Forest during his inspection. These were not impounded nor any offence report submitted, but the Range Officer let them off after warning the owners to purchase permits the next day (Vide Coondapoor

at Flag (H) Range Officer's diary for week ending 26-7-1931).

(c) On 8-10-1931, the Range Officer, Coondapoor found in excess of the permits, four buffaloes and 10 bulls in Honnukodlu Reserved -- Forest, for which the Forester issued permits on the spot without impounding the cattle, or sending any offence report (Vide Coondapoor Range

at Flag (H) Officer's diary for week ending 10-10-1931).

(d) The memorialist himself found on 15-8-1931 excess cattle in Byndoor Reserved -- Forest, and having issued permits let them off

at Flag (G) without submitting offence report (Vide his diary for week ending 15-8-1931). Again on 20-8-1931 he found excess cattle in Kursegudde Reserved -- Forest, and having issued permits, let them off

at Flag (G) without submitting any offence report (Vide his diary for week ending 22-8-1931). On 6-9-1931 also he found 11 heads of cattle grazing in ---

Byndoor Reserved Forest, and similarly he issued permits, and let them off without any offence report (Vide his diary for week ending 12-9-1931).

It will thus be seen that the memorialist acted in good faith following the existing practice, and instead of defrauding the ---- Government actually, caused gain by the sale of permits. The Range Officer was questioned about this custom and practice during oral enquiry, and he stated that he must refer to the records and whatever was on record he would admit. It is -- significant that he did not deny such a custom - and practice which is borne out by the records above referred to (Vide answers Nos. 240 and 241 dated 21-11-1933).

(16) Item No. 2 under charge No. IV refers to engaging Beat Guards for catechu regeneration works unnecessarily, and wasting --- Government money. The marking of catechu trees in catechu coupe I of Byndoor lasted from ----- 19-4-1931 to 7-6-1931, and the catechu regeneration work in 33 and 36 acres area commenced from 29-4-1931 and both these works were carried on side by side. The Byndoor watcher was ---- patrolling daily in the old catechu sown area -- in Byndoor Reserve, it being the fire season. The memorialist required four guards daily for marking the catechu trees, and two guards for supervising the work of coolies in regeneration work in 33 and 36 acres sown area. The memorialist therefore had to call the Beat Guards

from different beats by turns. The Guards who attended the sown areas supervised the coolies and did not do any sanctioned works. The coolies who had been daily paid, did the work, and there could be no savings at all, and as such there -- could not be any fraud on the Government. The Range Officer was receiving the diaries of ---- Guards, but found no fault with the memorialist for the work in catechu regeneration area, but allowed the memorialist to go on with the said work with the assistance of the said Guards. The memorialist became aware of this charge for the first time only when he received the chargesheet. The Guards who were supervising the works of the coolies and marking the catechu trees side by -- side, showed their stay as having been at Byndoor which had evidently been combined to mean that they were supervising the regeneration areas --- only. Hence the basis of the calculation, viz., 134 days for regeneration work is not correct, as their work in marking catechu trees is not taken into account at all. The answers of the Range Officer in connection with this item during oral enquiry are inaccurate (Vide answers Nos. 242 to 248).

(17) Item No. 11 under charge No. IV is the same as item No. 11 under charge No. I. The District Forest Officer in the order appealed against says nothing with regard to this item --

p. 17 Cf

except "See item No. 11 under charge No. I". The memorialist has furnished the necessary explanation under the said heading supra.

pp. 55-57 Cf

16. ..... That the memorialist next humbly begs to point out that the statements made by the four Forest Guards during the oral enquiry before the District Forest Officer, which supported the contention of the memorialist as against the statement made by the Range Officer have been entirely ignored and no reference to their evidence is -- found in the order passed by the District Forest Officer, or in the order passed by the Conservator in appeal. Their evidence refers to the several charges as detailed below:-

pp 544-554 of (K)

pp 138-512 of (K)

pp 541-516 of (K)

(1) Forest Guard B. Havali - item Nos. 1, 5, 6, 7 and 10 of charge No. 1 and item 3 of charge No. II.

p. 548 of (K)

(2) Forest Guard B. Dasappa - item 3 of charge No. I and item 2 of charge No IV.

pp 550-552 of (K)

(3) Forest Guard B. Venkatramana Sheregara - items 2 and 3 under charge No. I.

p 554 of (K)

(4) Forest Guard K. Annappa Sheregara - items 2 and 3 under charge No. I.

It will be noted that their evidence has not been disbelieved in the order of the District Forest Officer; neither is there any

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reason to disbelieve them in any way, because -- they were examined at a time when the memorialist was out of the Range, having been transferred -- from that Range on 1-7-1932, whereas these statements of the said Forest Guards were taken by the District Forest Officer in November 1933. It cannot therefore be said that they were at the time the subordinates of the memorialist, or that they could have been under his influence. They were quite disinterested persons and there is -- nothing in their evidence to reject it as false. In this connection, the memorialist begs to refer to the Memo Ref. 'A.' 1392/F/34, dated 13-6-1934 of the District Forest Officer calling for an explanation from the entire staff and the Range Officer, as well as from the memorialist regarding the alleged tampering with the file of the memorialist's case, and the alleged cutting off of a note said to have been made by the District Forest Officer at the foot of the evidence of Forest Guard Annappa Sheregara regarding the behaviour of the Forest Guards and the opinion of the District Forest Officer about them. The memorialist has duly reported on 21-6-1934 ---- that the records were perused by him in the presence of the Range Officer, and that he has no - knowledge of the existence of the note referred to. The memorialist humbly begs to submit that the proper place to refer to the evidence of the said Forest Guards is in the order passed by the District Forest Officer itself and not any other paper on the file, and nobody would in any way

J in file at (K)

p. 639 Correspondence at J in file (K)

be a gainer by the cutting off of the said note on the said paper. It is significant that the District Forest Officer does not in the order -- appealed against make any reference to the above said note.

17. That the memorialist humbly begs to point out that the District Forest Officer has awarded two punishments in respect of the same charge sheet, viz., (1) suspension for a period of one month and eight days i.e., from 2-12-1932 to 9-1-1933 inclusive, which period has been -- ordered to remain as suspension counting for -- pension and (2) order of reduction as Forest Guard I Grade for a period of one year's active service.

(a) There is absolutely no justification for the first punishment since it was -- evidently meant for the extension of time (from 10 days to one month) for submitting the memorialist's explanation to the charge sheet, --- applied for by the memorialist and granted by the District Forest Officer. The memorialist prayed for a month's time as he had to go through lot of records relating to a multiplicity of -- charges containing 35 items, and side by side he had to attend to sandalwood extraction work outside his head quarters.

(b) The second punishment is also unduly severe and excessive apart from the fact

that the charges are not at all sustainable or justifiable.

18. That, in conclusion, the memorialist "humbly and respectfully begs to submit that he is entirely innocent, and not guilty of any of the charges framed against him and that there has -- been a grave miscarriage of justice in this case because:-

(a) The Chief Conservator of Forests, Madras, ought not to have disposed of the memorial dated 2-4-1935 but ought to have reported the -- case to the Government for disposal, as he himself in the capacity of Conservator of Forests, Ootacamund Circle, had rejected the appeal of the memorialist and as such he ought not to have sat in judgment against his own orders (Vide paragraph 2 supra).

(b) There has been a prolonged delay of about two years in the departmental enquiry against him and about nine months more in the disposal of his appeal (vide paragraphs 4 to 8 supra).

(c) The memorialist was not allowed to defend himself through an Advocate in spite of the complicated and multifarious charges comprising 35 items during the personal hearing before the District Forest Officer. Nor did the Conservator of Forests give him an opportunity of being heard through an Advocate or even personally

Excellency may be graciously pleased to cancel the punishments meted out to him and restore him to his original post.

20. For which act of justice, mercy, kindness and equity, the memorialist shall, as in -- duty bound, ever pray.

M Krishnappa
Memorialist.

Enclosures.

(1) The order of the Chief Conservator of Forests, L. Dis. 1737/35 dated 2-4-1935.

(2) The order of the Conservator of Forests L. Dis. 1747/34 dated 8-11-1934.

(3) The order of the District Forest Officer D. Dis. 1793/F/1932, dated 29-11-1933.

M Krishnappa
Memorialist.

C.F. 34.

PROCEEDINGS OF THE Chief Conservator of Forests, Ootacamund.
MEMORANDUM

Post Box No. ___ *Telegraphic Address* "Chief Conservator".

Name T.A.Whitehead Esq., I.F.S.,

Dis. No. 1737/35 *dated* 2-4- *1935.*

Short title Memorial - M.Krishnappa - Forest Guard - Mangalore North Division.

READ the following:—Endorsement of the Conservator of Forests, Ooty Circle, Ref.No.M.508/35 dated 26th February 1935, on the memorial of M.Krishnappa, (permanent Forester reduced as Forest Guard, I Grade), Nagankalbare beat, Mangalore North Division, dated 4th February 1935.

--

The Chief Conservator sees no reason to interfere.

4-4

for Chief Conservator.

To

The Memorialist through the Conservator, Ootacamund Circle.

" " Conservator, Ootacamund Circle with records returned.

DKS/3.4.

4-4-1935

Sent separately

Ref No 508/35 dated 9.4.35

Forwarded to the
District Forest Officer
Mangalore North

(Sd) G.C. Robinson
Ag Conservator Forests
Calicut Forest Circle

(True Copy)
(By order)

Manager

10/4/35

To
The Asst. Manager at
Through
The D.F.O.
Mangalore North

Ref No 236-9-35
Forwarded through
the Range Officer,
Coondapur.

Dy. Conservator of Forests,
Mangalore North

15-4-35

15-4-35

DESPATCH
10 APR 1935

Forwarded
Range Officer
23/4

24/4/35.

C.F. 33.

PROCEEDINGS / MEMORANDUM OF THE Conservator of Forests, Ooty Circle, Cotacamund.

Post Box No. _____ *Telegraphic Address* Conservator, Ooty Circle, Cotacamund.

Name T.A.Whitehead, Esq., I.F.S., Conservator of Forests, Ootacamund Circle.

L.Dis. *No.*M.1747/34, *dated* 8th November 192 1934.

~~*Short title*~~ Public Servants - K.Krishnappa, Forester - appeal against orders of reduction - rejected.

In ~~—~~—the following:—

1. Appeal petition dated 20th February 1934 from Forester K. Krishnappa.

2. Connected records.

Order.

The appeal is rejected.

(sd) T. A. Whitehead,
Conservator of Forests, Ooty Circle.

Copy to the appellant through the Dt.Forest Officer, Mangalore North.

Copy to the Dt.Forest Officer, Mangalore North.
2. The records of the case as per list attached are returned herewith.

(True copy)
(By order)

Manager.

Refer - 392-734

Formd

1/12/34

DESPATCHED
1 DEC 1934.

D.Dis 1793/1932.

Proceedings of the District Forest Officer, Man alore North, Mangalore, dated 29th November 1933.

*****

A. L. Griffith Esquire, I.F.S.,

*****

Read the following :-

1. Charge sheet Ref A.1. 1793/F.32, dated 26-10-193[illegible] against M. Krishnappa, Forester V Grade for indifference and gross neglect of duty his duties, disobedience of orders, if not impertinence and insubordination to the Range Officer, suspicious conduct and work, received with the Forester's explanation, dated 19-12-1932 and Udipi Range Officer's Ref C.No. 1000/F.32, dated 26-12-1932 and Coondapur Range Officer's Ref C.No. 384/F.32, dated 2-2-1933, and

2. the conduct register and service register of the Forester as also all other connected records in the case.

O R D E R

In the charge sheet, a copy of my remarks findings are communicated to the Forester. The Forester has found inefficient and negligent on many counts which may be recapitulated as follows :-

1. Bad protection.

2. Cutch regeneration works :- (a) bad weeding work

(b) bad fence work

(c) bad pitting work

(d) lack of supervision

3. Cutch coupe marking:- (a) not cutting boundary lines properly

(b) not verifying kumki limits properly.

(c) not marking serially.

(d) not cutting a strip line

(e) not submitting his marking lists properly.

4. Recording incorrect measurements. (a) Cutch regeneration fence work

(b) monsoon repairs.

5. Not reporting a serious fire properly.

6. Not supervising fuel works properly.

7. Delaying replies to Range Officer's references.

8. Giving incorrect information re progress of works

9. Wasting Government money

10. Connivance at a forest Offence

11. Refused to obey the Range Officer's orders.

12. Impertinence to his Range Officer.

I, therefore, order that the Forester be reduced as Forest Guard I grade for a period of one year's active service.

It is brought to the Forester's notice that in deciding his punishment, the following relevant facts have been taken into consideration :-

(1) The delay in the submission of the charge sheet by the Range Officer which was due to the mass of evidence and multiplicity of charges the Range Officer had to sort out and also to the Range Officer's family troubles.

(2) The delay caused by a change in District Forest Officers.

(3) The fact that he has already been under suspension for a period of one month, 8 days, i.e. from 2-12-1952 to 9-1-1953 inclusive. This period will remain as suspension counting for pension.

The Forester has shown himself unfit to be a Forester and had no other facts to be considered his punishment would have been much more severe.

The Forester at his oral enquiry endeavoured to show that the delay in his charge sheet had multiplied the charges and that one charge had been expanded into five charges. It is pointed out to the Forester that the number of charges were not increased by the delay but instead several charge sheets would have had to be framed against him. Further the " expanded" charge he refers to are different items which occurred in one work and which he carried out.

The Forester has informed the District Forest Officer in writing that he consulted a vakil to help him to prepare his explanation. It is brought to his notice that this act without

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the District Forest Officer's permission is entirely against Government rules.

Further the Forester has stated that he did not expect to get a fair trial or justice without the aid of a vakil. I now point out to him that the fairness of his trial depends on the presiding Officer and not on the presence of a vakil. He has been given a very patient oral hearing and I have helped him in every way possible. Further I was not in the Division at the time these charges took place and am, therefore, an impartial Officer.

By his punishment at the end of his period of reduction he will have another chance to make good as a Forester and it is hoped that he will realise this and act accordingly.

11/12/33.

District Forest Officer,
North Kangalore.

To Forester M. Krishnappa through the Range Officer, Udipi.
Copy to the Range Officer, Udipi, for information.
Copy to Range Officer, Coondapur for information.
Copy to the Service register (to be filed therein).

M.I.A/9-12-33.

DESPATCHED
13 DEC 1933

Refer 988-933
Forwarded to M. Krishnappa. He will hand over charge his Books, Uniform, Records &c. to M. M. D'Souza.

14.12.33
Range Officer,
Udipi.

District Forest Officer's remarks and findings on the charge Sheet against Forester V. Krishnappa.

*****

Charge I

Item No.1. During the period in question, i.e. October 1931 to May 1932, no offences whatever were detected by the Forester in Kursegudde Reserved Forest and from November 1931- May 1932 in Savantagudde and Sarpanamane Reserved Forests although numbers of undetected reports were being received from the beat Forest Guards of these reserves and extensive illicit fellings were taking place.

The Forester's explanation is beside the point and does not deal specifically with the point in question. It is evident that he did not make any serious efforts to detect or check such illicit removals. His plea of being engaged in other works cannot be accepted. Even if he had been doing the other works properly he would have had plenty of time for regular patrolling but as will be seen from the rest of the charge sheet he did not even pay proper attention to many of these other works. There is no doubt that the Forester has shown negligence in failing to detect some atleast of the extensive illicit fellings that were taking place in Kursegudde, Savantagudde and Sarpanamane Reserved Forests.

In the oral hearing the Range Officer has completely explained what he meant by the Forester " merely transmitting the Forest Guards' reports of undetected offences" and examples were produced from the records. In several cases these reports had to be returned to the Forester for his inspection of the fellings.

Item No.2. The Forester admits that he left the works in question to the supervision of subordinates and tried to disclaim responsibility for the defect in the work by saying that he was engaged on other works. This work was without any doubt the most important work in his section and he has signally failed to supervise it properly. Consequently the serious defects mentioned in the charge occurred. The Forester is guilty in this matter of

serious neglect of duty and inefficient supervision resulting in bad work and loss to Government.

~~Xxxxxxx~~ The point of being engaged on other works enumerated in the oral hearing is ridiculous as can be seen by the list of works of the Forester, Dandur grazing collection and fuel coupe supervision are the only 2 to be considered seriously as repairs to coupe roads and other miscellaneous works are merely put in as " padding". The 2 works mentioned are obviously not important as regeneration works.

Item No.3. The Range Officer's remarks show that the Forester's explanation ~~explanation~~ misrepresents the facts and it is evident that at any rate 3 of the 4 old areas were inspected by the Range Officer only 2 months after the date of completion and as it was not the season for collecting dry fuel it is very unlikely that the fence materials would have been removed by the villagers. It is noticed that in the list of offences reported by the Forester, none of the dates refer to May and September during which the damage is reported to have taken place. It is true that the statement of Kaithan Fernandez was not taken in the presence of the Forester and hence the statement in the [illegible] contractor did no work at all in the 31½ acre area is regarded as not proved. Apart from this it is evident that the Forester has been negligent in this case of fencing the catechu areas and has turned out bad work.

Regarding the monsoon repairs at Kadike the Range Officer's remarks may again be perused. It is evident that unsatisfactory work was done here also. The Forester's explanation is again misleading. The works were inspected by the Range Officer in August 1931 by which time the repairs should still have been in good order if the Forester has used good materials and done good work. He also deviated from the sanctioned estimate and omitted to mention this deviation in the measurement book. There is no doubt that the Forester has been very indifferent in the way in which he carried out these works.

The oral hearing did not produce any further evidence calling for further remarks.

Item No.4. The Forester says in his explanation that he inspected the fire on 9-5-1932 but forgot to mention it in his diary. He also says that he told the Range Officer about it only on 11th May 1932. The Range Officer denies this and further states that when the District Forest Officer was camping there on 21-5-1932 the Forester on being asked if he had reported the fire, replied in the negative. If he had inspected the fire he could very well have handed his report to the Range Officer on 11-5-1932. This combined with the fact that the Forester did not mention it in his diary and did not post the fire report on 12-5-1932 shows that the Forester's explanation cannot be believed. It appears, therefore, that the Forester did not bring the fire to the attention of the Range Officer on 11-5-1932 and in not doing so was guilty of gross neglect of his duties.

Item No.5. The mistake is admitted by the Forester though he tries to evade responsibility by throwing the blame on the Karnam. There is no doubt that the Forester's work was inaccurate.

The oral ~~hearing~~ enquiry produced a long series of questions and answers which did not help the Forester's attempt to evade responsibility but only emphasised the existence of the bad work.

Item No.6. The Forester's explanation for not being able to measure out the kumki limits is quite unacceptable. He had a 50' tape in his possession and if he forgot to bring it to the field then, that is his error. There is no excuse whatever for not ascertaining the kumki limits properly.

The Forester tries to accuse the Range Officer of having counted undersized trees and then charged him (The Forester) for missing them out. This is false as all the trees are oversized. The Forester's conduct in thus falsely accusing the Range Officer is very reprehensible.

In the above the Forester is not only guilty of careless work and negligence but also of making a false accusation against the Range Officer.

From the oral enquiry records it is seen that the Forester has considerably modified his explanation or rather in endeavouring to allow his ~~explanation~~ accusation against the Range Officer to fade from notice.

Item No.7. The Forester's explanation for not finishing one strip before marking the next is impossible to believe. He implies that trees 338-418 in strip I and 419-460 in strip II were all got in the intervening space between the roughly marked line and later correctly marked eastern boundary of the 2 strips. This intervening area might contain 6 or 7 mature trees at the most and could not possibly contain 123 trees. The explanation is false and the Forester is guilty of negligence in that he did not mark the trees consecutively finishing one strip before starting the next.

Item No.8. The Forester's reports quoted in his explanation as well as his diaries prior to 5-10-1931 all refer to strip I whereas the charge refers to strips II to IV. In his diaries week ending 10-10-1931, 12-12-31, 23-1-32, 5-3-32, 14-3-32 he has merely made mention that he " noticed some badly trimmed stumps and got them rectified" - noticed much improvement in coppicing (although the Range Officer noted - tions that he had already reported not to be satisfactory) - " noticed a few stumps badly trimmed and got them rectified". " Killin I strip 3 was completely done and coppicing was done satisfactorily - noticed some badly trimmed stumps in strip 4, instructed the Shirur beat Guard Forest Guard ..... to come to the coupe next day and get the stumps shown re-trimmed.

These all give the impression that the coppicing was being done fairly satisfactorily and that defects were rectified as found. Actually on the Range Officer's inspection, it was found that very considerable irregularities had been allowed and many stumps had never been coppiced at all (vide Range Officer's and District Officer's reports quoted in the charge). It is evident that the Forester has either never checked the work properly or else has connived with the coupe contractor.

Item No.9. The Forester's explanation is sheer impertinence. It cannot now be proved whether the wrong measurements of the thatties is due to carelessness or negligence in not going and measuring the work himself but the imputation of the Forester that the errors in measurement are the Range Officer's fault and not his own is another sample of the insubordinate attitude of the Forester.

At the oral hearing the Range Officer satisfactorily explained why it was not possible to check measure the works before the Forester left on transfer.

Item No.10. The Forester is charged with having neglected to cut a strip line between strips I and II of catechu Coupe I. The Forester states that he did not cut a line and mark it with cairns and showed it to the Range Officer on 29-5-1932. The Range Officer remarks that no strip line was ever cut between strips I and II which is borne out by the fact that when checking the enumeration he could not find any strip line and also by the fact that the numbering of the trees in strip I was not completed before starting strip II which fact was not satisfactorily explained in items 5 and 7 of the charge. The enumeration was as follows :-

	Strip I	Strip II
Trees Nos	1- 93	94-167
	338-418	419-460

shows that he had gone straight on from strip I to strip II without completing the former. It is evident that the Forester has not cut any strip line that could be detected as such either by the Range Officer or the Forester who succeeded him. His explanation is, therefore, false.

Item No.11. The Forester has evaded replying the Range Officer's remarks. He kept the diary of the Forest Guard Narlu with him from 26-7-1931 to 28-10-1931 without forwarding it to the Forest Guard formerly. He falsely informed the Range Officer that the reference had been replied to when it had not and his explanation in the charge sheet that the "diary had already been resubmitted" is incorrect as it was still with him at the time of the Range Officer's remarks and was only returned subsequently. This all shows that the

Forester was very unwilling to reply.

At the oral hearing the Range Officer satisfactorily explained why he did not furnish exact details of the original diary. Col. 2 on p. 311-312 ¶ (K)

Item No.12 This charge is withdrawn as I consider it not fully proved. Col. 2 on p. 312 ¶ (K)

Item No.13. I consider this item not proved and the Forester's reply evasive. p. 325 ¶ (K) The charge is, therefore, withdrawn.

Item 14. Col. 2 on p 312 ¶ (K) The Forester admits that the information he gave was incorrect. It was the Forester's duty to give correct figures and for not doing this, there is no excuse. He is guilty of gross neglect of his work and duty on this item. p. 317 ¶

Item No.15. This is only a question of the Range Officer's word against that of the Forester and I do not propose to take further action on this item in view of the other clearly proved items.

Charge No.II. Col. 1 on p. 313 ¶ (K)

Item No.1. Col 2 - do - is a misunderstanding of orders and whether intentional or not cannot be said now. I propose to take no further action on this charge.

Item No.2. Charge not proved and therefore withdrawn.

Item No.3. Col 2 on p 313 ¶ (K) This charge is similar to charge No.1, Items 9 and 10 and is equally proved. It is another instance of the Forester's inaccuracy and negligence.

Item No.4. Col. 2 on p 315 ¶ (K) In this item the Forester was very slack in delaying the work. The delay attributable to the Forester is 21 days. I do not propose to proceed further on this item.

Charge III. Col. 1 on p. 315 ¶ (K)

Item No.1. Col.2 - do - I findthat the Forester was impertinent to his Range Officer though hardly amounting to insubordination. The Forester admits the words used in his report (Range C. No.487 '31).

At the oral hearing the Forester entirely failed to prove his contention of the words complained of being the result of

provocation. It is a ridiculous excuse to make as a Range Officer has far too much to do to try and " provoke" a Forester in such a manner.

Item No.2. Withdrawn in view of the more clearly proved and more serious charges in the charge sheet.

Item No.3. do do

Charge No.IV.

Item No.1. Cattle grazing in a reserve without a grazier (whether permits had been bought for them or not) is of course a Forest Offence and the Forester should have submitted an offence report and should have taken steps to have the cattle impounded. Instead, he sent for the owners (whom he evidently knew) and made them purchase permits. Even if cattle are covered by permits, grazing without a grazier in a Reserved Forest is an offence. Much more so, then, grazing without either permits or grazier (It is true that at the beginning of the grazing year - July 1st - a certain period of grace is usually allowed during which cases of grazing without permits are usually dropped if permits are purchased then and there but an offence report is always submitted for the Ist. Forest Officer's orders. This was 2 months later and also there was no grazier. A charge ought , therefore to have been made out. This the Forester did not do though he is not empowered to waive such cases.

(b) He states in his explanation that he " worked for the best interest of the Department ". This he certainly did not do.

(c) The Range Officer ordered him in his diary to submit an offence report and asked for his explanation. He replied in a vacillatory and impertinent manner that " they have strav cattle" and requested instructions how to prepare an offence report (which he must have known perfectly well how to do). The Range Officer was, however, patient with him and asked him on what points he wanted information, which in reference the Forester completely ignored. He only submitted an offence report two months later. He is therefore guilty of disobeying the Range Officer's orders.

It is impossible that the Forester could have known who were the owners of the cattle unless he had been told either by a grazier or by a beat guard who was not with him. It appears likely that he has been hushing up the real facts.

The Forester has therefore

(a) connived at a Forest Offence by not preventing it.

(b) refused to obey the Range Officer's orders and argued the point with him.

(c) behaved suspiciously in the whole affair.

Item No.2. Colm 2 on p. 3197 (K)

134 days work were done by these Forest Guards (other than Baindur beat) actually in 33 and 38 acre catchu areas. Now one Forest Guard can supervise 8 to 10 coolies in this kind of work. The cost of the work was Rs. 201-4-0. Therefore, number of coolies employed altogether was about 530. The work went on for 50 days so that on an average only 1½ Forest Guard would be required, i.e. one Forest Guard on days with 8-10 coolies and 2 Forest Guards when there were 12-16 coolies. Total number of days for the Forest Guard's supervision is, therefore, 1½ x 50 = 62. They were actually employed for 34 days. The Forester has no explanation to offer regarding what they were doing on the other 72 days work in the area. It is evident that there has been loss to Government either by Forest Guards idling their time away or else by their doing the work instead of the coolies in which case the cooly wages have not been accounted for.

The Forester is, therefore, guilty of wasting Government money.

Item No.3. Withdrawn because wrong procedure has been followed.

Item No.4. Withdrawn, I do not propose to institute a fresh charge as too much time has elapsed.

Item No.5. Withdrawn as the charge is not clear. It says that the fence repairs were got done on free labour when Charge I, item 3 shows that the work was not done properly at all.

Item No.6. Further evidence is needed to prove this charge conclusively as so much time has elapsed. I do not propose to reopen this item.

47 47 47 47

- 8 -

Item No.7. In view of the more clearly proved and more serious charges in the charge sheet, I do not propose to proceed further on this charge. The Forester has given rise to grave doubts as to his adjustment in this case.

Items, 8,9 & 10.

I do not propose to proceed further with these charges as they are not of sufficient importance or clarity

Colu.2,p.321 7(K)

Item No.11. See item No.11, Charge I.

Item No.12. I do not propose to proceed further with this item as it is only supicious and not proved.

Item No.13. Withdrawn as not sufficiently serious.

Office of the Dt.Forest Officer,
North Mangalore.
Mangalore, dated 29th November 1933

../5-12-33.

5/12

6/12/33

District Forest Officer,
North Mangalore.

5 DEC 1933

Ref A.1. 1793/F.32.

Proceedings of the District Forest Officer, North Kangalore, Mangalore, dated 25th November 1932.

******

M. V. Laurie Esquire, I.F.S.,

*****

Read the following :-

(1) Charge sheet against Forester M. Krishnappa of Udipi Range (Ref A.1. 1793/F.32, dated 26-10-32) and
Udipi Range Officer's endorsement Ref C.No. 1000 of 1932, dated 20-11-32 with reference to Forester M. Krishnappa's report of 15-11-32.

C. 29/11/32

Order

Forester M. Krishnappa must be given every reasonable facility for defending himself against his charges. He must not, in event of an appeal, be able to plead that he had not sufficient time to consult all the evidence he requires. He should, however, confine his researches strictly to documents which have a definite connection with his charges. He is, therefore permitted to peruse all the records in question, and is given a month's time from the date of receipt of this order, to prepare his defence within which time the examination etc of any witnesses for his defence and any hearing he requires should be completed without fail. On completion of perusal of all connected records by the Forester, the Range Officers, Udipi and Coondapur will get a statement from the Forester that he had completed perusing all connected records relating to his charge sheet and that he has nothing more to peruse. Actually 10 days would be quite sufficient and I think that a month is quite unnecessary, but in this case I give him the benefit of the doubt.

2. As regards the list of records now required to be perused by him, items 2 (part), 3, part of 6 (Forester's diaries), 11 and 12 will be sent to the Range Officer, Udipi from the District Forest Office and other items excepting 5 will be allowed by the Range Officer, Coondapur to be perused by the Forester. Other connected records, if required, may also be allowed to be

perused. Item 5 has been supplied to him by Range Officer, Udipi.

3. Pending enquiry and defence of his charge sheet and its disposal, Forester M. Krishnappa is placed under suspension from the date of his relief by the Range Officer, Udipi until further orders and the Forester is allowed to draw a subsistence grant of Rs. 7-8-0 per mensem.

Sd/- M. V. Laurie
District Forest Officer,
North Kanara.

To Forester M. Krishnappa through the Range Officer, Udipi.

True Copy
(By order)

Head Clerk.

Memo Report 1000-7-32
Forwarded to Sri M. Krishnappa
2. He will hand over charge to Sri Mahamood Sharif immediately
3. After handing over charge he is to furnish the undersigned a Statement as required by the D.F.O. — that he does not require more than one month's time to prepare his defence and submit it for orders

1-12-32
11 a.m.

29-11-32
Range Officer

~~89-58~~ 50

Dev.3315-I
1-8-35

Ref.No.3357-30-32 Chepauk, Madras,
30-7-1935.

F.A.Whitehead Esq., I.F.S.,
Ag.Chief Conservator of Forests.

Subject:-Memorial - M.Krishnappa - Forest Guard, Mangalore North Division - Against District Forest Officer's order of reduction.

Submitted to Government with reference to G.O.No.450, Public (Services) Department, dated 12th March 1935.

(J)

2. The memorialist who was a Forester was reduced to the post of Forest Guard temporarily for a period of one year by the District Forest Officer, Mangalore North.

3. His first appeal to the Conservator and the Memorial to the Chief Conservator were both rejected.

4. The connected records are submitted.

Vide list below.

C. [illegible] 31.7.

for Ag.Chief Conservator.

To

The Secretary to Government,

Development Department, with Memorial and connected records.

Encs:-Memorial & records.

*List of records.

KS/31.vii.

(A) 1. D.F.O's D.Dis.File 1793/32 d/-20-11-1933 (983 pages)
(P) 2. " " 1132/F/28 d/-17-1-1929 (60 pages)
(W) 3. " " 1289/32 " 17-11-1932 (192 pages)
(G) 4. Diary file of Forester M.Krishnappa for 1931-32.
(F) 5. Dt.Forest Officer's Objection statement file of Coondapur Range for 1931-32.
(D) 6. D.R.Files, Coondapur Range:-D.R.Nos.99, 100,109,110,121,122,126,127,129,130,134, 135,146,147 and 148 of 1931-32, and 4,3,

-51 dt 51

13 and 12 of 1932-33.

7. Personal file of Forester (now Forest Ranger) ..... (C)

8. Diary file of Ranger, Coondapur for 1932-33.. (H)

9. Service Register of Forester (now Forest Ranger) .... (F)

10. Conservator's L.Dis.file .o....1/4//34. (E)

11. Chief Consr's L.Dis.1/3//36 dated 2-4-36.. (T)

52

Dev. Dept.

Letter no 3315 I/35-4. dt 24-9-35

Despatch endorsed
X/24.9.35.
24/9

To the Secy. M.S.C.

Subject Memorial – M. Krishnappa – Forest guard – Mangalore North Division.

Sir,

I am to forward herewith the memorial referred to above against the orders of the D.F.O, Mangalore North Dn, reducing the memorialist, who was then a Forester, to the post of a Forest Guard and temporarily for a period of one year's active service, together with the report of the C.C.F. thereon & the connected records and to request the opinion of the M.S.C. as to the orders to be passed on the memorial.

pp 1-32 c/.

P 50 c/

as in first letter

I have etc.

X/23.9.35.

24/9

Jair
24/9/35

Dept.
24/9

Listing enclosures
1. Memorial & its enclosures – pp 1-49 c/.
2. Report of C.C.F. – pp 50-51 c/.
3, 4, 5 } H.E. items 1 to 11 at P.P. 50-51 c/.
etc.

53

Dev. Dept

Letter no. 3315 I/35-5 dt 27-11-35

Desp
D/27.11.35

28/11

To the Secy. M.S.C.

Subject Memorial - M. Krishnappa - Forest Guard - Mangalore North Division.

I am to invite your attention to my letter no. 3315 I/35-4, dt 24-9-35, on the above subject, & to enquire ~~to be informed~~ when the Commissioner's reply may be expected.

Ch.

Mar
28/11/35

Thanks etc.

D/25-11-35.

RR
27/11.

Sd R
26/11/35

Confidential

MADRAS SERVICES COMMISSION

54

C.F. 80—1,250—5-2-32.

ASSISTANT SECRETARY TO GOVERNMENT 10 DEC 1935 DEVELOPMENT DEPARTMENT

DEPARTMENT.

SB 891
16/12/35

Received ..... 193 . *Registered* ..... 193 .

Subject.

Memorial - Krishnappa, M. - Forest Guard, Mangalore North Division - Against reduction -

ENCLOSURES.
No. .....
.....
Spare copies .....

No. 1808-A/35.

Station Madras., *Dated the* 2nd December 1935 .

From (Name) M.R.Ry. Rao Bahadur C.P.Karunakara Menon Avl.,
(Designation) Secretary, Madras Services Commission,

To The Secretary to the Government of Madras,
Development Department.

Sir,

P 52 supra

Your letter No.3315-I/35-4, dated 24-9-1935.

PP 66-67 in Manual of Rules & orders.

The procedure prescribed in Rule 55 of the Civil Services (Classification, Control and Appeal) Rules was followed before the appellant was reduced. The charges against him, as proved, establish inefficiency and bad work. The punishment of reduction is, in the Commission's opinion,

far

far from excessive and it recommends that the appeal be dismissed.

2. The records are returned.

I have the honour to be,

Sir,

Your most obedient servant,

Secretary.

T.2.12.

List of enclosures:

1. Memorial and its enclosures.
2. Report of the Chief Conservator of Forests dated 30-7-1935.
3. D.F.O's D.Dis. file 1793/32 dated 29-11-1933. (K)
4. " 1132/F/28 dated 17-1-1929 (P)
5. " 1289/32 dated 17-11-1932. (W)
6. Diary file of [redacted] M. Krishnappa for 1931-32. (G)
7. District Forest Officer's Objection statement file of Coondapur Range for 1931-32. (F)
8. O. R. Files, Coondapur Range:- O.R. Nos. 95, 100, 109, 110, 121, 122, 125, 128, 129, 130, 134, 135, 146, 147 and 148 of 1931-32, and 4, 8, 13 and 12 of 1932-33. (D)
9. Personal File of M. Krishnappa (in sealed cover). (C)
10. Diary File of Ranger, Coondapur for 1931-32. (H)
11. Service Register of M. Krishnappa. (A)
12. Conservator's L. Dis. file No. M. 1747/34. (E)
13. Chief Conservator's L. Dis. 1737/35, dated 2-4-1935. (Y)

5b

C.F. 804—4,542 Bks.—10-10-31.

OFFICE OF THE Development Department

Dated 9th August 1935.

_____ Hours _____ Minutes

TELEPHONIC MESSAGE

From The Assistant Curator, M.R.O.
Superintendent

To The ~~Assistant Secretary~~, Devt. Deptt.

Ref: Your T.M. of yesterday
re: G.O.s No. 731 Pub (Sr)
of 4-8-26 and 540
Pub (Sr) dt 15-6-28.
for c. No. 3315-I/35.

The original of G.O. No. 731 Pub
of 1926 was furnished for Law general
c. No. 2424-A/35 on 27-6-35.
No copy is available. G.O. No. 540 Pub
of 28 a min. G.O. was taken for L.S.G
Deptt. c. No. 36860/32 on 6-9-32.

9/8/35

To Asst Secy

Two routine notes for the G.Os referred to above which are required for the current placed below, are submitted for approval.

9.8.35

9.8.35

Asst. Conservator retained in the Section a. few days returning.

11/9/35

57

Scott.-II. 52—9,004—26-10-27.

Dev Department.

Routine notes [which are not to be (*a*) sent out of the office or (*b*) included in the originals or proceedings unless the notes are specially marked for retention or (*c*) printed].

C no. 3315 I/35

Subject of file.

Manor – M. Krishnappa – Forest Guard, Mangalore North Dn –

To Asst Secy

Ego. no. 731 Pub. dt 4-8-1926 required for the disposal of the current below has been taken by Law Secy for C no. 2424-A/35 on 27-6-1935. That Dept may be requested to put up the fo.

9.8.35 9/8/35

2a 9.8.35

Law Secy

Dev no. 3315 I/35-1 9-8-35

Hml:3038A 10/8/35

ASSISTANT SECRETARY TO GOVT. 10 AUG 1935 LAW DEPT.

Law (Genl) Dept.

12-2424-A

12.8.35. Eo 419 12/8/35

The Covenant for which the Orb was was sent forwarded

Sakre was ~~forwarded~~ to Police (Police) vide W.B. no. 2424 A1 dt. 25.7.35. May be passed on to that Dept. for compliance.

10.8.35 Pub Policy 12/8

Hml:3038A-1 12-8-35

19669 Pub (Police)

---

* Madras material no more complete available

* Question of ... miscarriage ... Mr. ...

58

Public (Police) Department

The file referred to by the Law Department on page 1 ante was finally disposed of in Go. No 419 Pub (Police) dated 5.8.1935. The papers put up therein were removed & returned to the records. The Development Department may be informed accordingly.

13/8

21/8

Pub (Police) – 19969-1 / 15-8-35

ASSISTANT SECRETARY TO GOVERNMENT
16 AUG 1935
DEVELOPMENT DEPARTMENT

Dev. 3589-I
16-8-35

A1. 59 4

Dev Sectt.-II. 52—9,004—26-10-27.

Department.

Nothing notes [which are not to be (*a*) sent out of the office or (*b*) included in the originals or proceedings unless the notes are specially marked for retention or (*c*) printed].

SECRETARY TO GOVERNMENT
LOCAL SELF-GOVERNMENT DEPARTMENT
10 (9) (1931)

3315 I/35.

Ms 33470

Subject of file.

Memorial — M. Krishnappa - Forest Guard, Mangalore North Dn.

To Asst. Secy

G.O. no 540 Ms Pub. dated 15-6-1928 required for the disposal of the current placed below has been taken by Y. S. G. for C no 36860/32 on 6-9-1932. That Deptt may be requested to put up the G.O.

Dev
E.S. 31-Y.S.G

V. de T M
re G.O. to be issued
in R O

9.8.35 Sd/-
9835

Dev No 3315 I/35-2
9-8-35

Log.

The G.O. is not in any file in this Deptt. Dev. may be informed accordingly.

Note no 33470-1 Asstn

27/8/35

DJ

79-

Dev. 3912-I
6-9-35

27/8/35 Gen Sec

Dev
for Secy

~~5~~ 60

Copy of T.M.dated 6-9-35 from the A.S. Dev. Dept. to the P.A. to the C.C.F.

Sub: Memorial - M.Krishnappa - Forest Guard-Mangalore North Division -
Chief Conservator's letter No.5357-35-D2 dated 30-7-35.

Will you please send me a copy of G.O. No.540 Pub., dated 15-6-28, referred to in the above memorial as the original of the G.O. is not readily available and is being traced.

***

Dev. 3988 I
10-9-35.

ಕನ್ನಡ

Furnished

M.F/Budget 7/9
For Chief Conservator

Rs
7.9.35 KR
7-9-35
To The Asst Secretary to Govt
Rev Dept
with a copy of G.O.
540 Pub/15 6.28

Dev. Dept.

C.No. 3315 I/35.

Memorial – M. Krishnappa – Forest Guard, Mangalore North Dn –

---

pp 1-32 of — Memorial dated 12-5-1935

p. 50 of — Endg. the C.C.F. no 5357-35-D2 dt 30-7-1935

To A.S.

Please see the memorial at pp. 1-32 of and the C.C's endt at p. 50 of.

2 The memorialist, who was a Forester, was reduced to the post of I grade Forest Guard temporarily for a period of one years active service by the D.F.O. Mangalore North on the following charges:-

(1) Indifference and gross neglect of duty

(2) Failure to carry out the orders of the Range Officer

(3) Insubordination to his superior; and

(4) Suspicious conduct & work in the discharge of his official duties.

He was under suspension from 2-12-1932 to 9-1-1933 & this period was treated as suspension counting for pension in addition to the punishment of reduction. His appeal to the Conservator, Coorg circle, and his memorial to the C.C.F. were both dismissed.

3 The charges are at P.P. 167-187 of

various pages need not be read.

vide pages at pp 582-84 of (K)

p 167 of (K)
p 177 of (K)
p. 179 of (K)
p 181 of (K)

Para 2(3) at p 583 of (K)

(X) pp 17-139 of (E)
(*) M3-01 of (N)
(**) pp 141 of (E)
(+) p 91 of (Y)

Ex 2

The explanation is at PP 303-351 of (K)

The records of enquiry are at P.P. 488-554 of (K)

Proceedings of the D.F.O. are at P.P. 582-84 of (K)

Appeal petition to the Conservator, Coty circle

is at P.P. 17-139 of (E)

Order of the Conservator dismissing the appeal

is at P. 147 of (E)

Memorial to the C.C.F. is at P.P. 3-61 of (+)

Order of the C.C.F. dismissing the memorial is

at P. 91 of (+)

The service register of the memorialist is

flagged (A).

4 Procedure

The memorial contains the following allegations as regards the procedure followed:-

(a) The C.C.F. (Mr. T.A. Whitehead) who dismissed the memorial had already, as Conservator Coty Circle, dismissed the appeal and it is ultra vires — Para 2 P. 2;

(b) The departmental enquiry against him dragged on for nearly 2 years & this delay has prejudiced him to a very great extent. — Para 5 P. 2

(C) He was not given reasonable facilities for properly defending himself thro' an advocate with ref. to the orders in Govt Pub. dated 15-6-1928, — Para 9 P. P. 4-5

(L)

~~No~~ 65

P.P 54-55 c/ [From the Secy. M.S.C. no 1808-A/35 D 2-12-35]

To A.S.

Please see the recommendations of the M.S.C. at P.P 54-55 c/. for orders whether it will be accepted; if so the draft order below is for approval.

17/12/35 S

17/16.12.35.

17/12/35

P/ ini 18/12

a/c dw 18/12 HMC-I

ACS 18/12

see recommendations of the M.S.C may be accepted. Draft approved

Ker

18.12.35

18/12

16/19/12

66

C.F. 16.

DRAFT FOR APPROVAL.

Dev. Dept.

	Date.	Initials.
When received for fair copying ..	19/12	
When copied ..		
When examined..		
When signed ..		CF. 1
When despatched.		

SUBJECT:— Forests

Memorial — M. Krishnappa — Forest Guard — Mangalore North Dn — ~~determination~~ — rejected.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

No. 3315 I/35 From the Memorialist, No. ---, dated 12-5-1935 — pp 1-32 c/.

" _____ Endl. of the C.C.F. Ref. 5357-35-D2 dt 30-7-35 — p 50 c/.

" _____ Letter to the Secy. M.S.C. " 3315 I/35-4 " 24-9-1935 — p 52 c/.

" _____ " from the " " " 1808-A/35 " 2-12-1935 — pp 54-55 c/.

Order ~~Resolution~~ Ms. ~~Rout.~~ No. 1794, dated 19.12.1935.

Received 20/12/35 Date

The Govt. see no reason to interfere on behalf of the memorialist.

RR 17/12

19/12

To the memorialist thro' the C.C.F. with a copy of the Commissr's letter pp 54-55 c/

" the C.C.F. with a copy of the Commissr's letter & with the records rec'd.

Copy to the Secy. M.S.C. with C.L.

A/16.12.35.

JAR 17/12/35

Enclosures

H.F. item 3-13 at p. 55 c/.